

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

DONALD CARR,	:	
	:	CIVIL ACTION NO. 1:20-1209
Plaintiff	:	
	:	(JUDGE MANNION)
v.	:	
SMOKE et al.,	:	
	:	
Defendants	:	

ORDER

In accordance with the Memorandum issued this date, **IT IS HEREBY**

ORDERED THAT:

1. Defendants' motion for summary judgment ([Doc. 33](#)) is **GRANTED** in part and **DENIED** in part, as follows:
 - a. Defendants' motion is **GRANTED** as to all claims against defendants Gourley, Meintel, Varner, Reese, Gregoire, and Newberry.
 - b. Defendants' motion is **GRANTED** as to all First and Fourteenth Amendment claims against all Defendants.
 - c. Defendants' motion is **DENIED** as to Carr's Eighth Amendment claim of excessive force against defendant Smolke and Carr's Eighth Amendment conditions-of-confinement claim against defendant Brittain.
2. Entry of judgment in accordance with paragraph 1 above will be **DEFERRED** pending resolution of the remaining claims in this case.

3. Carr's motion for summary judgment ([Doc. 36](#)) is **DENIED**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: February 25, 2022

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